IN THE HIGH COURT OF UTTARANCHAL

AT NAINITAL

Criminal Misc. Application No. 313 of 2005

Ravi Kumar
The Proprietor of N.C.N. Cable Network,
Mohalla – Santomaalan,
Behind Dr. Agarwal, Nazibabad
District – Bijnor ... Applicant

Versus

1. State of Uttaranchal

2. The Judicial Magistrate (J.M.)
1st Class, Kotdwar
District – Pauri Garhwal

3. M/s Doon Electricals
Through its proprietor Sri Harendra Singh Bisht
S/o Sri Amar Singh
Patel Marg, Kotdwar
District – Pauri Garhwal ... Respondents.

Sri Jitendra Chaudhary, learned counsel for the applicant.

Hon'ble B.C. Kandpal, J.

By way of this Petition u/s 482 Cr.P.C., the petitioner has prayed for setting aside the criminal proceedings of Criminal case no. 453/2002 u/s 138 Negotiable Instruments Act pending before the court of respondent no. 2, i.e. Judicial Magistrate (J.M.) 1st Class, Kotdwar, District – Pauri Garhwal.

Brief facts giving rise to this case are that the proceedings against the petition Ravi Kumar were initiated before the court below u/s 138 of the Negotiable Instruments Act. The case was listed before the trail court for defence evidence. As the petitioner did not turn up before the court, therefore, the court issued non-bailable warrant against the petitioner.

The petitioner has challenged the order dated 08.02.2005 by which the non-bailable warrant has been issued against him in this petition.

Heard learned counsel for the petitioner and perused the record.

The impugned order dated 08.02.2005 nowhere indicates that any flagrant injustice has been caused to the petitioner. I also do not find any abuse of process of court. Nowhere it has been indicated that the mandatory provision of the law has not been followed by the court below.

I, therefore, do not find any force in this petition.

The petition is accordingly dismissed.

However, the petitioner shall appear before the court concerned for seeking redress to his grievance which shall be decided by the court below on the same day in accordance with the law.

(B.C. Kandpal, J.)

21st May, 2005
Shiv